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fax cover ORIGINAL (Recd)

Date 8-28-02Number of pages (w/cover sheet) 3To Carlyn Winter PriskFrom Susan L. Burke

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If you have any problems with this transmission, please  
contact my assistant, Annette at 215-255-7120.

Message/Comments:

**Tenet**

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August 28, 2002

**Via facsimile and regular mail**

Ms. Carlyn Winter Prisk (3HS11)  
United States Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**Re: CERCLA §104(e) Request re: Lower Darby Creek Superfund Site  
Clearview Landfill, Folcroft Landfill and Folcroft Landfill Annex**

Dear Ms. Prisk:

We are responding to Ms. Joan Armstrong's August 9, 2002 letter directed to Hahnemann University Hospital. The August 9, 2002 letter requested documents and other information relating to waste shipped to the Clearview Landfill, Folcroft Landfill and Folcroft Landfill Annex portions of the Lower Darby Creek Superfund Site during the time period 1958 to 1976.

Please be advised that Tenet HealthSystems Philadelphia, Inc. ("Tenet") acquired the assets that now comprise the Hahnemann University Hospital on November 10, 1998, pursuant to a bankruptcy sale. According to the terms of the sale, Tenet acquired Hahnemann University Hospital assets under the supervision of the Bankruptcy Court, which approved in its entirety an Asset Purchase Agreement by and among Diversified Health Group and Debtors Allegheny Health Education and Research Foundation, Allegheny University Hospitals, Centennial, Allegheny University Medical Practices, and Allegheny University of the Health Sciences (hereinafter "AHERF entities") as Sellers, and Tenet, as Buyer.

The Sale Order approved by the Bankruptcy Court provides that the assets were sold to Tenet "free and clear" of all "liens, claims, interests and encumbrances," "obligations," and "contractual commitments," whether "matured or unmatured, liquidated or unliquidated, whether known or unknown." (Sale Order, ¶¶3, 5.) The Sale Order also provides that "[w]ith the exception of any liabilities specifically assumed under the Asset Purchase Agreement, all persons and entities holding Liens or Claims of any kind and nature against any of the Debtors or with respect to the Assets are hereby barred and enjoined from asserting such Liens and Claims against the Assets or Tenet, its successors, designees (including Restructured University) or assigns, or their respective affiliates, shareholders, members, officers, directors or trustees." (Sale Order, ¶8.) The only liabilities assumed by Tenet were Assumed Contracts, consisting of certain executory contracts and unexpired leases.

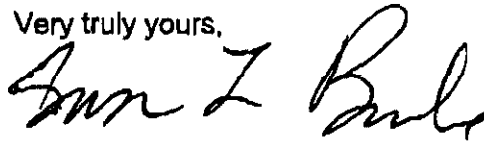


Carolyn Winder Prisk  
U. S. Environmental Protection Agency  
August 28, 2002  
Page 2

Thus, our understanding is that the AHERF entities and the trustees thereof, not Hahnemann University Hospital, need to provide EPA the information requested in the August 9, 2002 letter. If appropriate from EPA's vantage point, we would be willing to forward on the August 9, 2002 letter to the trustees.

If we are incorrect regarding our responsibilities, please advise me at (215) 255-7457.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan L. Burke". The signature is fluid and cursive, with the first name "Susan" and last name "Burke" clearly distinguishable.

Susan L. Burke

SLB/act

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel  
Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager